

February 11, 2010

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554



Re: Notice of *Ex Parte* Presentation  
CG Docket No. 10-207 (Bill Shock)  
WT Docket No. 10-133 (Mobile Wireless Competition)  
CG Docket No. 09-158 (Consumer Information and Disclosure)  
WT Docket No. 05-194 (Early Termination Fees)  
CC Docket No. 98-170 (Truth-in-Billing and Billing Format)

Dear Ms. Dortch:

On February 10, 2011, the undersigned, of Media Access Project ("MAP"), attended a meeting with Joel Gurin, Bureau Chief, Consumer and Governmental Affairs Bureau ("CGB"); Mark Stone, Deputy Bureau Chief, CGB; Kurt Schroeder, Rebecca Hirselj, Nancy Stevenson, Richard Smith, Bill Freedman and Arthur Scrutchins, all of CGB; Joel Taubenblatt of the Wireless Telecommunications Bureau; and Matt Warner of the Wireline Competition Bureau (collectively, the "Commission Attendees").

During the meeting, I presented and reiterated MAP's views on a number of issues raised in the above-captioned dockets, including "bill shock" remediation, truth-in-billing and truth-in-labeling requirements for communications services, and early termination fees ("ETFs") and other so-called "customer retention" measures that discourage effective competition among communications service providers. As part of that presentation, and in response to questions from the Commission Attendees, I focused particularly on suggestions made in comments and other submissions filed jointly by MAP and other organizations in the Bill Shock (CG Docket No. 10-207), Mobile Wireless Competition (WT Docket No. 10-133), and Consumer Information and Disclosure (CG Docket No. 09-158) proceedings. Specifically with respect to Bill Shock, I elaborated on positions set forth in the reply comments MAP filed earlier this week with the Center for Media Justice, Consumer Federation of America, Consumers Union, Free Press, National Consumers League, National Hispanic Media Coalition, New America Foundation's Open Technology Initiative (or "OTI"), and Public Knowledge. Those reply comments are attached to this notification letter.

Throughout the discussion, I explained MAP's position that the Commission can and should adopt standardized disclosure requirements and other baseline consumer protections, with rules made applicable to materials provided at point-of-sale, on websites, on bills, and in other interactions with customers. Such measures would ensure that wireless and wireline communications companies provide their customers with more reliable basic information about service prices, terms and conditions, performance, limitations, contract length, and billing procedures. I also answered questions concerning the argument – a spurious one, in MAP's view

– that the cost of mandating consistent protections outweighs the savings to customers and the public interest benefits of uniform disclosures, tools, and alerts. Service providers remain free to differentiate themselves by giving customers even more data and even more sophisticated usage management tools; yet, there must be at least some minimal guarantee that those customers will receive the type of detailed information they need to make informed comparisons between plans and carriers. The Commission is in the best position to provide this guarantee by adopting common sense baselines for service and price disclosures, bill shock prevention mechanisms, and protections from abusive terms and conditions in customers’ contracts.

As MAP has demonstrated in prior filings made with other public interest organizations, Commission oversight in this area should entail at minimum the adoption of standardized performance metrics and presentation formats that allow end-users to compare competing service offerings. The Commission also should adopt rules mandating disclosure to the public of broadband performance measurements, in both simplified and comprehensive formats, so that such information will be more readily available to current subscribers who may wish to consider changing providers or service plans, as well as potential subscribers that desire information on the speed, reliability, robustness, and price of service in their immediate geographic area. Commission action and leadership is vital in establishing these processes and adopting formal but flexible rules.

The meeting also included extensive discussion of the best format in which to provide such information to end-users, a topic of great importance to the Commission Attendees and to MAP alike. While the striking the right balance between inadequate disclosure and information overload is not simple, it remains both a vital task and an achievable goal for the Commission in its implementation of more robust consumer protections in these proceedings. In terms of specific types of pricing information, service terms, total cost disclosures, and performance measurements that the Commission should require, I discussed a number of analogous disclosure models developed for other comparable, consumer-facing industries. I referred as well to OTI’s Broadband Truth-in-Labeling proposal previously submitted in CG Docket No. 09-158 and GN Docket No. 09-51, and also attached hereto, which provides a concrete example of how the most basic and essential information could be presented – so long as more detailed information too is readily available to customers and potential customers.

Finally, I provided some comments on the prevalence and structure of ETFs for wireless and wireline broadband and video service bundles. I referred on this topic once more to previous filings, made jointly by MAP and other organizations, demonstrating that ETFs often have no basis in carrier’s costs, and serve only to lock-in customers while generating revenue for the carriers. Programs that fairly subsidize devices and service are of no concern, but companies imposing ETFs should be required to disclose fully and openly the amount, terms, and proration rate (if any) of such fees, along with the terms of other potential add-ons, fees, or overages that could increase the total cost of service incurred by subscribers.

Marlene Dortch  
February 11, 2011  
Page 3

MAP submits this letter to the Secretary's office today pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. §1.1206(b). Please contact the undersigned should you have any questions regarding this submission.

Respectfully submitted,

/s/ Matthew F. Wood

Associate Director  
Media Access Project

cc: Joel Gurin  
Mark Stone  
Kurt Schroeder  
Rebecca Hirselj  
Nancy Stevenson  
Richard Smith  
Bill Freedman  
Arthur Scrutchins  
Joel Taubenblatt  
Matt Warner